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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,719	11/29/2001	Masao Kato	1272.C0495	2605

5514 7590 01/17/2003

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EXAMINER

TRAN, LY T

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 01/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,719

Applicant(s)

KATO ET AL.

Examiner

Ly T TRAN

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. The substitute specification filed on 12/23/02 has been accepted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-10, 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yano et al. (EP 496 533).

With respect to claims 1 and 10, Yano et al. discloses a method for filling buffer chamber in a print head with bubble and an apparatus to print an image on a print medium comprising:

A print head comprising a plurality of ejection opening, a plurality of channel (Fig.2 and 3) a common liquid chamber for supply ink to plurality of channels, buffer portion located (Fig.1: element 15) and a bubble generating means for filling the buffer portion with bubble (Fig.1) comprising step of:

Filling the buffer portion with bubble by driving the bubble generating means
(Column 8: line 24-58)

Art Unit: 2853

Executing a recovery process of discharging the ink through the ejection openings after the bubble filling step (Column 18: line 49-50) wherein the recovery process step, excess of the at least one bubble filled in the buffer portion is removed (Column 16: line 57-58, Column 17: line 1-5, Column 18: line 49-57)

With respect to claims 3 and 12, Yano et al. discloses that during the bubble filling step, bubble is allowed to grow up to location of the channel adjacent to buffer chamber (Column 20: line 10-12).

With respect to claims 4 and 13, Yano et al. discloses the bubble generated by driving the bubble generating means is obtained by precipitating a gas dissolved in the ink (Column 19: line 9-11).

With respect to claims 6 and 15, Yano et al. discloses that plurality of channels are each provided with an electro-thermal converter as means for generating ejection energy that cause the ink to be ejected and during the bubble generating step, bubble is generated using the electro-thermal converter together with bubble generating means (Fig. 20-22, Column 34: line 54-55)

With respect to claims 7 and 16, Yano et al. discloses the recovery process comprising sucking and discharge the ink through the ejection opening (Column 36: line 29-33).

With respect to claims 8 and 17, Yano et al. discloses recovery process is executed before a printing operation (Column 24: line 54-58, Column 25: line 1-3)

With respect to claims 9 and 18, Yano et al. discloses before the recovery process, the print head is heated at a temperature used for normal printing or higher (Column 24: line 30-58)

With respect to claims 5 and 14, Yano et al. discloses during the bubble-generating step, the bubble generating means is driven to generate bubble while preventing film boiling from occurring in the ink (Column 36: line 54-Column 36: line 18).

Response to Arguments

3. Applicant's arguments filed 11/27/02 have been fully considered but they are not persuasive.

Applicant's argument that these bubbles in Yano cannot be construed as excess bubble in a buffer portion, rather are bubbles in a liquid passage which can cause failure in ink ejection is not persuasive because refer to column 19: line 18-27, Yano discloses air bubbles generated in the liquid passage is pushed out. Therefore, Yano meet the limitation of the claim.

Applicant's argument that Yano does not teach a recovery process causing ink to be discharged with the recovery process means discharging the ink through the ejection openings to remove excess of the at least on air bubble is not persuasive because refer to column 18: line 49-50 Yano teaches executing a recovery process of discharging the ink through the ejection openings after the bubble filling step wherein the recovery process step, excess of the at least one bubble filled in the buffer portion is removed in

Art Unit: 2853

column 16: line 57-58, column 17: line 1-5 and column 18: line 49-57. Therefore, Yano meets the limitation of the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 703-308-0752. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Application/Control Number: 09/995,719

Page 6

Art Unit: 2853

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0967.



January 15, 2003



ANH T.N. VO
PRIMARY EXAMINER

01/16/03